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## PREFACE

I GLADLY respond to the invitation to write a few words of preface to Sir John Thompson's examination of the Government's proposals for Indian constitutional reform and of certain popular objections and misconceptions. The author has had a long and varied experience of Indian official life. To-day he has no connection with the service of any Government. He writes as a man without bias, wholly free from sentimentality on one side or the other, and examines the proposals in the light of his expert knowledge.

The proposals are the result of many conferences and enquiries held during the past five years. They have to face the inquisition of a Joint Select Committee of both Houses of Parliament, and ultimately of Parliament as a whole, and of the British and Indian peoples. They are complex, since the subject is complex; simplicity in an intricate matter is the surest road to confusion. Sir John Thompson's clear and candid examination of the problems they raise will be an invaluable aid to popular understanding.

I may be permitted a word, not on the details, which may still be considerably revised, but on the general purpose, to which we are bound as a nation by solemn pledges.

It has been argued with truth that political systems do not appear out of the void, but have their roots deep in history, and depend for their success upon the nature of the society to which they are applied. Parliamentary democracy is not a thing which comes into being full-grown; it has a slow growth and requires long preparation. A form of government which has served well in

the West cannot be indiscriminately applied to the East. Western civilisation has behind it the Renaissance, the Reformation, and the French Revolution, and India has had none of these things in her history. The answer to this objection is that the present scheme differs organically from any existing Western constitution. What is proposed is not a blind transference to alien conditions of a highly idiomatic type of government. It is an attempt to build upon the facts of modern India a special and appropriate type of polity. That is its purpose, and whether it fulfils it or not is for Parliament and the people to say.

Again, it is said with some truth that Parliamentary democracy has for the moment lost caste in Europe. Why, it is asked, should we be ready to saddle India with what is a discredited type of government? The answer is that it is happily not discredited in Britain or in the British Empire. We are slaves of our own achievements. For a century we have been labouring to inspire India with our own political philosophy, and we have largely succeeded. We have welcomed her as an organic part of an Empire which is based on this philosophy. We have helped to create in India habits of thought of which this philosophy is the natural outcome. We cannot exclude her from sharing in what we ourselves regard as the best.

Lastly, there is a natural and not unwarrantable doubt about any new departure, and much talk of a "leap in the dark". In reply I would urge that the British Empire was not won, and has not been maintained, by standing stiffly in the old ways, but by repeated bold experiments. What has been our policy in the past is to-day more necessary than ever, since the events of the last twenty years have been like a compounding of chemicals in which no element has been

left unchanged. Every question requires a fresh analysis; many principles, once held to be ultimate verities, have had to be revised, and the whole range of methods. In the sphere of economics this is universally admitted, and I believe it to be not less necessary in the constitutional sphere. Some, who are averse to any drastic innovation in Indian affairs, have been among the first to demand that our economic and financial policy should be revised on the basis of new facts, and that the deductions from such facts should be unflinchingly accepted. But is it possible to divide the business of government into water-tight compartments? If we are to make a success of it, must not the same spirit inspire all our tasks?

What the Government proposals demand and deserve is a searching and fair-minded examination, both in Britain and in India. The test must be the facts of the case and the new spirit which I believe to be already inspiring other domains of public policy. Let us get rid of the notion that any surrender of historic power is necessarily a betrayal of duty and a confession of impotence. It was a recent Viceroy of India, Lord Minto, who laid down what may well be regarded as an axiom of Imperial rule—"No man is so strong as he who is not afraid to be called weak".

JOHN BUCHAN



## CHAPTER I

### INTRODUCTORY

WITHIN a few months Parliament will have to take a momentous decision. The course of events affecting India during the past fifteen or twenty years has not always been easy to follow, and the attention of the British public has sometimes been suspended for considerable periods owing to the more immediate claims of other interests. A short review of the position, therefore, may help to serve one of the needs of the hour.

Some years ago we heard a great deal about "Dominion Status for India". One rarely hears the phrase now, because people realise that though Dominion Status is the declared goal, the advance now in prospect must leave India quite a stage or two short of the journey's end. The White Paper proposals amount to what was sometimes called "Dominion Status with safeguards", and Parliament and the country have now to say whether they consider the safeguards suitable and adequate.

The issues are, of course, of immense gravity, but, at the outset, there are certain reassuring features.

Some think the White Paper proposals go too far. Others think they don't go far enough. The scheme therefore starts with a presumption in its favour, the presumption of safety which belongs to the middle course.

Further, the general trend of the proposals and some of the details which have excited most criticism have been known for more than a year. One would have expected that if the financial world felt there was danger ahead, the credit of India would have reflected their fears. But the financial world remains calm, and the credit of India is steadily improving. Last June the

Government of India was borrowing at  $5\frac{1}{2}$  per cent. Now it can get what it wants at a little over 4 per cent.\*

Thirdly, since the days of John Lawrence we have never had a Viceroy with the Indian administrative experience of Lord Willingdon, and he and his Government and the provincial Governments apparently view the prospect undismayed.

*What People will want to Know at the Outset*

No Indian reform scheme has ever excited so much interest in this country, and what people will want to know, before they make up their minds, is :

- (1) How we reached the present position;
- (2) What are the main alterations which the National Government proposes to make in the constitution of India; and
- (3) What safeguards are provided in the scheme.

I will try, first of all, to give an answer to these questions. Later, I shall say something about the value of some of the safeguards, and, finally, I shall touch briefly on some of the more general criticisms of the scheme.

\* On Saturday, March 25, the rupee was a shade higher than it was on the 17th, the day on which the White Paper was published. India loans have not moved in sympathy with British loans since the 17th, but Stock Exchange reports show fractional rises in six of the loans, fractional falls in two, and no alteration in two. I give these figures for what they are worth.

## CHAPTER II

### THE ROAD WE HAVE TRAVELLED

WHEN we entered on our career of conquest in India the country consisted of a large number of autocracies, the biggest of which was the Mogul Empire, then far gone in decay. The Indian States of to-day are the remains of those autocracies, now brought under the British suzerainty. They have a population of eighty millions, and an area equal to that of Western Europe, a quarter of India's population and nearly half its area. The rest is British India.

British India we have for some time past, partly by the lure of Western education and partly by the creation of institutions with features borrowed from the West, been leading towards democracy, and we have assured her that the status of a British Dominion lies before her. Quite recently, some of the autocratic States responded favourably to a suggestion that they should share her future in a Federation of All-India. The British Government is now engaged in designing that Federation, the members of which are to be autonomous provinces and autonomous States.

That, very briefly, is the position we have now reached. It is the result of a long progress. The significance of each step forward may sometimes have been hidden or obscure, but, looking back from our present point of vantage, we see it all as the march of destiny.

The India—British India—of the Mutiny period (1857–58) was a country in which all the officers in the Army and practically all in the superior civil services were British. At different times during the past half-century or so, all the services have been thrown open to Indians, and, except in the Army, where the com-

missioned ranks have only been opened very recently, there is now in every service a large proportion of Indians.

Legislation, at first, was the function of the executive government. The Councils Act of 1861 associated a few non-officials, some of them Indians, with the members of the executive government, for legislative purposes, but for thirty years after that date the Legislative Councils were merely committees for making laws.

In 1892 the germ of election was introduced, the Councils were enlarged, more Indians being brought in, and the members were given the right to ask questions and to discuss the Budget.

In 1909 came the Morley-Minto reforms, so-called after the Secretary of State for India and the Viceroy of the day. The Councils were again enlarged, in the provinces they contained majorities of non-officials, election was fully recognised, and discussion of resolutions permitted. To us now, it seems clear that the country was then definitely launched on its course towards Parliamentary government, but, at the time, Lord Morley wrote: "If it could be said that this chapter of reforms led directly or indirectly to the establishment of a Parliamentary system in India, I for one would have nothing to do with it".

### *The Montagu-Chelmsford Reforms*

One of the effects of the War on India was to apply a powerful stimulus to the demand for political advance. The British Government were ready to go a long way to meet the demand, and in August 1917 Mr. Edwin Montagu, who had just been appointed Secretary of State for India, made his famous announcement in regard to the policy of the British Government in India. That policy, he said, was the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible



government in India as an integral part of the British Empire. Advance was to be by successive stages, and the British Government and the Government of India were to be the judges of the time and measure of each move forward.

Mr. Montagu has been bitterly attacked for this announcement, and especially for the reference to responsible government, but it is clear from what Lord Ronaldshay tells us in his *Life of Lord Curzon* that Mr. Montagu was little more than the mouthpiece of the Coalition Government, and that we owe the reference to responsible government to Lord Curzon. Responsible government was alien to India's own traditions, and it may be that the future will show that we were wrong in attempting to introduce it, but the announcement was the inevitable consequence of all that we had been teaching the youth of India for decades in the schools and universities of our own creation.

During the winter following the announcement, Mr. Montagu visited India to confer with the authorities on the spot and to obtain local opinion. The proposals framed by him and Lord Chelmsford, the Viceroy, were published in the spring of 1918, and the Bill that was subsequently introduced into Parliament was passed by both Houses without a division on any cardinal point and became the Government of India Act, 1919.

The outstanding feature of the Montagu-Chelmsford reforms was the introduction of the element of responsibility into the Provincial Councils under the system known as dyarchy. Under this system the subjects which are the concern of a Provincial Council are divided into two classes. One class (law and order, land-revenue, irrigation, finance), known as the "reserved subjects", is administered by the Governor and his Executive Councillors, who are not responsible to the Legislature and cannot be removed as the result of an adverse vote. The other class, known as the "transferred subjects" (education, public health, excise, local self-government, and so on), is in charge of Ministers

responsible to the Legislature. In the Central Government there are no transferred subjects and no responsibility to the Legislature.

The main alteration made in the Centre by the Act of 1919 was the conversion of the Indian Legislative Council in which elected members were in a minority, into a bi-cameral Legislature with an elected majority in both Chambers, the Legislative Assembly and the Council of State.

Another important outcome of the Montagu-Chelmsford proposals was the establishment by Royal Proclamation of the Chamber of Princes, an advisory and consultative body, which has done much to effect solidarity among the Princes.

### *The Simon Commission and the Round Table Conference*

The Act of 1919 provided that, after a period of years, a Commission should be appointed to enquire how the system had worked, and report whether the degree of responsible government then existing should be extended, modified, or restricted. That was the origin of the Simon Commission.

This Commission was appointed in November 1927. They paid two visits to India and finally left it in April 1929. During the summer Lord Irwin, the Viceroy, went to England on short leave. By that time, as some of us had foreseen, Sir John Simon and his colleagues had come to the conclusion that the report would be incomplete if it dealt with British India alone and left the Indian States out of the picture. The States, as I have said, are autocracies. They are not a part of British India, and nothing in the way of federation between the States and British India is possible without their consent. For these reasons, the Simon Commission obtained permission to examine "the methods by which the future relationship of British India and the Indian States might be adjusted". This was breaking

new ground, and it was essential that representatives of British India and the States should be given an opportunity of expressing their views in regard to the new issues.

It was in this way that the Round Table Conference came into existence.

The main recommendations of the Simon Commission were:

(1) In the provinces, full responsible government and the consequent abolition of dyarchy;

(2) In the Central Government, no advance towards responsibility; and

(3) Certain measures which, it was hoped, would lead to federation between the British provinces and the Indian States.

The Commission in their report thus foreshadowed federation with the States, but they pictured it as something which could not be artificially hastened and which was not likely to be evolved except by a process of gradual accretion. In any case, it would not, to use their words, "spring into being at a bound".

The Round Table Conference met in November 1930, and the hearty welcome given by almost all the Princes present to the idea of federation took everyone by surprise. This entirely altered the position, and it was accepted that there was to be an immediate advance towards federation if adequate safeguards could be provided. But the federation which the Princes welcomed was federation with responsibility in the Federal Government, and the concluding announcement of the Prime Minister on behalf of the Government on January 19, 1931, was based on this acceptance. He said: "With a Legislature constituted on a federal basis, His Majesty's Government will be prepared to recognise the principle of the responsibility of the Executive to the Legislature".

That was the crucial point of departure from the recommendations of the Simon Commission. It was, one

may almost say, necessitated by the acceptance on the part of the Princes of the idea of federation, which the Commission had suggested, but it is important to appreciate the cardinal fact that the central responsibility to which the Prime Minister referred postulated federation as an essential preliminary. No federation, no responsibility.

This announcement put the key of the future into the hands of the Princes, but almost before the session terminated, doubts had begun to arise in the minds of some of them. The apprehensions grew, and a party took shape which aimed at a Confederation among the Princes before they committed themselves to federation with British India. There was not, however, anything in the nature of an authoritative repudiation by the Chamber of Princes of the attitude taken up by their representatives at the first session of the Conference.

The second session opened in September 1931. In his closing speech on December 1 Mr. Ramsay MacDonald, as head of the new National Government which had just come into power, recited the main conclusions arrived at during the previous session and announced that the new Government accepted them.

"In particular [he said] they desire to reaffirm their belief in an All-India Federation as offering the only hopeful solution of India's constitutional problem. They intend to pursue this plan unswervingly and to do their utmost to surmount the difficulties which now stand in the way of its realisation."

The Prime Minister's statement was embodied in a White Paper, which was presented to Parliament. Resolutions approving the policy of the Government were moved in both Houses and agreed to, after full discussion.

After the close of the second session of the Round Table Conference, three committees visited India: (1) The Franchise Committee under Lord Lothian; (2) the Federal Finance Committee under Lord Eustace Percy;

and (3) the Indian States Enquiry Committee (Financial) under Mr. Davidson. Their reports were published during the summer of 1932.

As regards the participation of the States, the Chamber of Princes in the spring of 1932, after much discussion, endorsed the undertaking given by their representatives at the first session, provided that an acceptable scheme could be devised.

The second session had been dominated by the clash of communal claims as regards the number of seats to be allotted to each community in the new legislatures. The parties could not agree upon a solution, and the task of settlement devolved on the Prime Minister. In August he announced his decision, which is usually referred to as the Communal Award.

At the end of the year came the third session of the Round Table Conference. The report of the proceedings was published at the end of January last. It left a number of matters undecided, and not only undecided, but without hope of an agreed solution. As in the case of the communal differences which had dominated the second session, it was left to the British Government to put forward its own proposals. The White Paper has now been published, and the proposals are before the country. They will be examined by a Joint Select Committee of both Houses of Parliament, before which representatives of India will appear, and there will be ample scope for the further consideration of details.

## CHAPTER III

### THE WHITE PAPER PROPOSALS

#### *The Scheme in Outline*

THE White Paper is lucid to a degree. There is an explanatory introduction of rather over 30 pages, followed by the proposals, which are set out in 202 short paragraphs ("clauses") arranged, though not phrased, in the form of a Bill, and a few appendices.

I shall, for convenience, refer to the statement of the proposals as "the Bill", and the numbers in brackets refer to the "clauses" of the "Bill", except where otherwise indicated.

The scheme provides for:

(a) *In the provinces*, a change from partial to full responsibility, *i.e.* from the present dyarchy (see p. 13) to the administration of *all* departments by Ministers responsible to the Legislature;

(b) *At the centre*, a change from the present British Indian Legislature with an irremovable official Executive not responsible to it, to a Federal All-India Legislature, containing representatives of the provinces and the States, with an Executive responsible to the Legislature for all departments of administration except Defence and External and Ecclesiastical Affairs, which will be administered by the Governor-General himself; and

(c) Certain reservations and safeguards both in the provinces and at the centre.

Other developments also are proposed, such as extended franchise, enlarged councils, elaborate financial adjustments with the States and the provinces, a Federal Court, and a modification of the Secretary of State's Council, but these are partly subsidiary and partly consequential, and I do not propose to deal with

them in detail. It is impossible in a short pamphlet to cover the whole ground, and I shall confine myself to what appear to be the points of the most general interest.

### *The Safeguards*

Apart from the provisions in the scheme which are purposely designed as safeguards, there are certain features which should make for moderation and security. I refer to the extended responsibility, the communal representation both in the Legislature and in the Executive, and the participation of the States.

The reservations and safeguards which are designed as such may be divided into three main classes:

#### *A. Statutory restrictions.*

(1) Reservation of the departments of Defence, External Affairs, and Ecclesiastical Affairs, for administration by the Governor-General;

(2) Statutory checks and limitations on the power of the Legislatures;

(3) Statutory protection of the Services;

#### *B. Special financial safeguards; and*

*C. Discretionary powers of the Governor-General and the Governors.*

(1) Certain "special responsibilities" are laid on the Governor-General and the Governors, for the discharge of which they are invested with all necessary powers;

(2) Powers to make Ordinances and to assume control.

The reservations and safeguards are set out in greater detail below.

### *A. STATUTORY RESTRICTIONS*

#### *(1) RESERVATION OF DEPARTMENTS*

The Reserved Departments (mainly Defence and External Affairs) will be a part of the Federal Government, but their administration will be directed and controlled

by the Governor-General, who is responsible to Parliament, and will have three Counsellors to assist him. They will be financed from federal revenues, but the demands for Grants to meet the necessary expenditure will not be voted, though they may be discussed, by the Legislature (11, 49(iii)).

The relations between the Crown and the States in other than federal matters lie outside the scope of the Federal Legislature (Introduction, paras. 9-10).

Akin to the reservation of departments is the proposal, not yet matured, for the establishment of a Statutory Railway Board (Introduction, para. 74). If this proposal is accepted, the actual administration of the Railways will be in the hands of the Board, while the Federal Government and Legislature will exercise only a general control over policy.

## (2) STATUTORY CHECKS ON THE POWER OF THE LEGISLATURES

The Constitution Act will be an Act of the British Parliament, and no proposal for its amendment can be made in the Indian Legislatures without the consent of the Governor-General, who is himself responsible to Parliament (110, 119, and 120).

The Legislatures cannot alter the limits of constituencies, the franchise, or the methods of election (37, 87).

There are the usual provisions in regard to assent to Bills passed by the Legislatures, and power is reserved to the Crown to disallow them, even if the Governor-General has given his assent (39-40, 88-90).

Under this head fall two provisions of special interest to those engaged in commerce and trade.

First, the consent of the Governor-General is required before any Bill can be introduced which would affect, *inter alia*, the Reserved Departments, coinage, currency, or the Federal Reserve Bank's functions regarding currency and exchange (119). A similar check is imposed on legislation affecting religion.



Secondly, no Indian Legislature, Federal or Provincial, can make (a) any discrimination against any British subject in British India, based on religion, descent, caste, colour, or place of birth, in regard to taxation, the holding of property, the carrying on of any profession or trade, etc. (122); or (b) any discrimination against British subjects domiciled in the United Kingdom, in respect of such matters as the right to enter British India, to hold property and carry on business, unless an Indian subject of His Majesty would be subject to similar discrimination in the United Kingdom (123).

The protection given by these two provisions extends to companies. Certain limitations on it will be dealt with later.

### (3) PROTECTION OF THE SERVICES

Apart from the "special responsibility" for their protection which is laid on the Governor-General and the Governors, one chapter in the Bill is devoted entirely to the Public Services (180-201. Introduction, paras. 70-73).

(a) *Persons appointed by the Secretary of State.*—The rights which they enjoy at the time when the Bill becomes law or (in the case of those appointed subsequently) at the date of their appointment, will be maintained, and they cannot be deprived of them except on payment of compensation to be fixed by the Secretary of State (182-184).

Appointments to the Indian Civil Service, the Indian Police, and the Indian Ecclesiastical Establishment will continue to be made by the Secretary of State, and the conditions of service (which will be practically the same as at present) will be regulated by rules made by him (183). The question of future recruitment for the Indian Civil Service and the Indian Police will be the subject of a statutory enquiry after five years (189).

The number and character of posts to be held by

persons appointed by the Crown or the Secretary of State will be regulated by rules made by him (185).

Pension rights will be regulated in accordance with the rules in force at the time the Act is passed, and even the Secretary of State will not have power to alter them to the disadvantage of persons already in service when the alteration is made. Claims in respect of pensions will be against the Federal Government (186).

The pensions of all persons in service before the Act is passed will be exempt from Indian taxation if the pensioner resides permanently outside India. The same rule will apply to the pensions of persons appointed by the Crown or the Secretary of State after that date (186).

(b) *Persons appointed otherwise than by the Secretary of State.*—These will continue to enjoy all service rights existing at the date of the passing of the Act (191).

Any order by the Federal or Provincial Government affecting emoluments, pensions, provident funds, and gratuities and any order on a memorial which would be to the disadvantage of a member of the superior classes of these officers, if appointed before the Act comes into force, will require the personal concurrence of the Governor-General or the Governor, and officers of this description will have similar protection against reduction in the number of cadre posts (193).

Further, general provisions are made in respect of all officers regarding dismissal, appeals, etc. (181, 194).

Finally, it is proposed to extend the functions of the Public Services Commissions and to make it obligatory on the Federal and Provincial Governments to consult them regarding methods of recruitment, appointments by selection, promotion, etc. This applies apparently only to persons appointed by Governments in India (199).

The statutory protection of pensions described above refers only to the pensions of retired officers. The proposals in regard to Family Pensions are still under con-

sideration, but the Government hope to be able to submit their conclusions to the Joint Committee. Meanwhile, it is recognised by His Majesty's Government that the assets of the Family Pension Funds "constitute in all cases a definite debt liability of the Government of India and are the property of the subscribers" (Introduction, para. 73).

Demands for Grants on account of salaries and pensions of officers appointed by the Crown and by the Secretary of State and of certain other officers will not be submitted to the vote of the Legislature (49(vi), 98(v)).

#### B. SPECIAL FINANCIAL SAFEGUARDS

(a) A Reserve Bank is to be set up as soon as possible, free from political influence. This Bank will be entrusted with the management of currency and exchange (119. See also Introduction, para. 32).

(b) As already stated, the Federal Legislature will have no power to consider legislative proposals affecting coinage, currency, and exchange, without the previous consent of the Governor-General (119).

(c) Rights and liabilities arising under statute or contract in existence when the Act comes into force, including existing immunities of sterling loans from Indian income-tax, will be enforceable against the Secretary of State. Such liabilities will remain liabilities on all the revenues of India, Federal and Provincial (134).

(d) The Council of State (the Upper Federal House) is to be given the power of challenging the rejection or reduction by the Federal Assembly of any proposal for appropriation of revenues, and bringing the matter for final determination before a Joint Session of both Chambers (48).

(e) See C (1) (b) below.

(f) The Governor-General will have power to appoint a Financial Adviser to assist him in the discharge of

his "special responsibility" for financial matters, and to advise Ministers when they ask his advice (17).

### C. DISCRETIONARY POWERS OF THE GOVERNOR-GENERAL AND GOVERNORS

#### (1) THE "SPECIAL RESPONSIBILITIES"

In the administration of the government of the Federation, the Governor-General will be declared to have a "special responsibility", exercisable at his discretion, in respect of:

(a) The prevention of any grave menace to the peace or tranquillity of India or any part thereof;

(b) The safeguarding of the financial stability and credit of the Federation;

(c) The safeguarding of the legitimate interests of minorities;

(d) The securing to the members of the Public Services of any rights provided for them by the Constitution Act, and the safeguarding of their legitimate interests;

(e) The prevention of commercial discrimination;

(f) The protection of the rights of any Indian State;

(g) Any matter which affects the administration of any department under the direction and control of the Governor-General (18).

Where the Governor-General considers that any of these interests is imperilled, he is given the widest possible powers. He can override Ministerial advice, he can obtain all the money he needs, he can secure such legislation as he may think necessary, he can (in case of grave danger to the public peace) stay proceedings in the Legislature, he can dismiss a Minister, and he can issue Ordinances (13, 19-21, 42-44, 46-51, 53. Introduction, para. 42).

Similar responsibilities are laid on Governors of Provinces (66, 92-94, 96-100, 103).

(2) POWERS TO MAKE ORDINANCES AND TO ASSUME  
CONTROL

Ordinances are of two kinds:

(a) The Governor-General, in the interests of the Reserved Departments or his special responsibilities, may make any such Ordinances as the circumstances appear to him to require (53).

(b) If the Legislature is not in session, and the Ministers advise him that there is an emergency, he can in that case too promulgate Ordinances to meet the situation (54).

Lastly, there are the ultimate powers under which, in the event of a breakdown, the Governor-General is empowered himself to take over any or all of the functions of the Federal Government (55).

Emergency powers, similar to those conferred on the Governor-General, are proposed for the provincial Governors also (103-105).

## CHAPTER IV

### CONSIDERATION OF SAFEGUARDS

THOSE are the safeguards. Indian politicians have condemned them as excessive. In England the dominant note of criticism will be not that they are insufficient on paper, but that in practice they will be found ineffectual.

It is not intended that the discretionary powers should be used except in cases of real need, strictly for the purposes for which they are framed, and after all efforts by way of persuasion have failed. But there is a great deal more to be said about safeguards than the mere enumeration of them. Of course there are risks, some of them possibly created by the very safeguards which are designed to avert them, but, as I have already pointed out, it would be a mistake to imagine that the only security we have lies in the listed safeguards.

#### *Law and Order in the Provinces*

Some of the criticisms of the proposals are based on doubts of Indian capacity, and on the feeling that there can be no safeguard against inefficiency.

I suggest the following considerations in discount of this attitude.

Indians have always suffered in our eyes from the fact that they are a "conquered race", and we have got it ingrained in us that they are more than a little deficient in the qualities on which we pride ourselves most. It was, for instance, quite a shock to some of us when Indians began to challenge Anglo-Saxon supremacy in games. I need not point to specific achievements in other fields, but the Parliamentary capacity displayed by many of the leaders is definitely relevant,

and the Simon Report bestows judicious commendation on the departmental administration of Indian Ministers. Further, no one who has had much experience of Indians can fail to remember with gratitude and admiration the executive capacity, resource, and courage of many of those with whom he has worked. To the extent that the combination of these qualities in action is the result of the training we have given, it is one of the most splendid of the counts that stand to the credit of the British people. The Simon Commission also tells us that Indians have already acted with success in charge of Law and Order in certain provinces. Was it merely the fact that these administrators of Law and Order were responsible to the Governor that kept them straight? If we alter the focus of responsibility, will all their merit disappear? Is it an unreasonable claim that, having been faithful in a little, they should be given a chance of showing in what spirit they will face added responsibility?

The first safeguard provided by the new constitution is of course just this added responsibility. In fact, the value of responsibility is the root-issue of the whole controversy. The weakness of safeguards lies in the temptation to challenge them. Indeed, it is in a sense true to say that the safeguards themselves are a source of danger in so far as they tend to weaken the sense of responsibility. Responsibility leaves a man's reputation in his own hands, and we all know its value, in the school, in the regiment, in politics, and everywhere.

"Well, but", we are told, "there are many distinguished ex-members of the Indian Services who are nervous about the transfer of Law and Order to Ministers in the provinces". That is the argument from authority, and by all means give it due weight. But if we are to go by the authority of those who have been working under the most recent conditions, there can surely be no question which way we shall vote.

The Simon Commission visited India twice in 1928

and 1929. They saw conditions for themselves, and were able to sound opinion in every province. And yet they were convinced of the wisdom of making the Ministers in the provinces responsible for Law and Order. They were not blind to the risks involved; they even suggested that the Governor should be given discretion to include an official in the Ministry (though not necessarily for the charge of any particular portfolio), but they pointed out that to make the police a reserved department would result in concentrating irresponsible criticism on police administration, and that the only way to prevent this was to fix responsibility on the shoulders of the critics. "The time has come [they wrote] when it ought to be no longer possible to represent, or to misrepresent, the agents of authority who are so faithfully supporting this first need of civilised existence, as the minions of an alien bureaucracy." For these reasons they thought the bolder course the wiser one, and recommended the transfer.

The value of their recommendation has been questioned on the ground that none of the members of the Commission had actual experience as Indian administrators, but what is perhaps not generally known is that the Government of India and the Provincial Governments were all in favour of putting an end to dyarchy and placing every department, including the police, under the Ministry.

Five of the eight Provincial Governments were opposed (though not in every case unanimously) to the Commission's suggestion that the Governor should have discretion to appoint an official to the Cabinet. One was of opinion that such an appointment should be permissible with the consent of the Chief Minister, one advised that it should be allowed in order to meet exceptional circumstances, such as an interregnum, and one thought the power should be retained but not exercised without the approval of the Legislature. The Government of India took the view that the Governor should have the discretion, but they contemplated



that such appointments would seldom be made, and then only by "general consent".

The essential thing that emerges from all this is that all the Governments in India were prepared to transfer Law and Order to the control of responsible Indian Ministers. That was in 1930, and I have no reason for thinking that they have changed their minds since. Surely there can be no doubt which way the weight of authority lies. Fifteen years ago the Governments would have been unanimously opposed to the change. Twenty years ago it would not even have been mooted. What is the inference? Obviously that the judgment of the Governments of to-day is based on new facts and new experience, and, if we are to follow authority, there can be none higher than theirs.

It is true that in a few provinces certain members of the local Governments felt that the Ministry would be better for the presence of an official—not necessarily a British—element, but only in one case was there any suggestion that an official member was required for the portfolio of Law and Order.

You see it suggested sometimes that the transfer will result in the introduction of communalism into the police force, that the morale of the force will be weakened, and that if a Minister happened to have been brought into conflict with the police in his agitator-days he might use his period of power to pay off old scores.

Now, in the first place, with the object of diminishing the risks of communalism in the administration, it is definitely provided in the Bill (67) that so far as possible representatives of important minorities are to be included in the Ministries. The administration is thus to some extent disinfected at the source.

Secondly, the Ministers are to be chosen, in consultation with the Premier-designate, by the Governor (67), which provides a further safeguard, even with a predominantly Congress Ministry.

Thirdly, the police are an organised body, with their

own officers, many of whom for some time to come will be British. In each district they work under the district magistrates, many of whom are British members of the I.C.S. or Indians of tried character and ability. It is not conceivable that there could be a decline of morale in the police force which would not be brought to the notice of the Governor at once. This brings us to:

Fourthly, the "special responsibility" of the Governor in respect of Law and Order. The close connexion between this special responsibility and the internal administration and discipline of the police is to be emphasised in the Governor's Instrument of Instructions (Introduction, para. 47), and in the discharge of this responsibility his powers are practically unlimited. He could change or dismiss the Minister, and he could even take over charge of the department himself if he felt that the situation was such that it was impossible for the Government to be carried on otherwise (105). It may be said that such action would produce a crisis. Why fear such a crisis, if it needs must come? Even if the whole Ministry resigns as a consequence, we have already seen in the provinces cases in which the Governor has assumed charge of the transferred departments without the sky falling.

And there is always the supporting power of the Governor-General in reserve, backed by the Army. I have seen it suggested that this power would be of little value in practice, on the ground that, for example, the Minister in charge of Railways might frustrate the movement of troops by refusing transport. The movement of troops is of course no longer entirely dependent on railways, but the Bill makes it clear that if necessary the Governor-General could, in the case supposed, remove the Minister at once, and put his own nominee in charge (55). The actual control of the administration of the railways is to be in the hands of a statutory Railway Board, subject only to general control over policy by the Federal Government and Legislature (Introduction, para. 74), so that the removal of the Parlia-

mentary chief of the department would be unlikely to affect the working of the lines.

There has been a great deal of disorder in India during the last twenty years. It has been due to political agitation and communal hatred. Political agitation is still active, but its more violent, large-scale manifestations have been for the time successfully checked, and there has possibly been a sympathetic abatement in the communal sphere. That is all to the good, but one never knows how long public opinion (and with it the Government) in England will stand firm. The omens are favourable at present, but the tides of feeling ebb and flow, and one of the most disturbing elements in Indian administration in difficult times has been the hope or fear of possible reactions elsewhere. It is this which leads to hasty amnesties, quick releases, and premature abrogation of necessary laws. Administration, in a word, is not carried on with a single eye to Indian conditions. When the administration of Law and Order passes into Indian hands, this disturbing element will to some extent lose its force. Mr. Cosgrave could do things in Ireland which no Englishman could have done or would have been allowed to do. The fact that the Englishman is a foreigner is often an advantage, but from this point of view it might be a positive handicap. Whenever there is a question of rule by "foreigners" over "subject races", champions of the "oppressed" are always on the alert. If an Englishman in India takes a strong line, not only India but England and America too may ring with denunciation. If an Indian were to do the same, he would have his own communal press behind him, and the Western world would be uninterested and unmoved.

### *The Service Man's Anxieties*

These concern service-rights, pay, pensions, and family pensions. The proposals in the White Paper will

take a weight off the minds of many. Sir Samuel Hoare promised the services protection, and he has gone far to redeem his word. The proposals in regard to family pensions are not yet announced, but the line taken in other service matters gives ground for confidence.

*Apprehensions regarding Commercial Discrimination*

British business interests are given statutory protection against differential treatment on grounds of race, colour, etc. Their charter is an Act of Parliament, which the Indian Legislature cannot amend except with the previous sanction of the Governor-General.

Some apprehension has been caused by the last paragraph of clause 122, which provides that a law which might otherwise be void on the ground of its discriminatory character will be valid if the Governor-General declares it necessary for peace and tranquillity. A footnote in the White Paper which was omitted in some of the published summaries explains that the object of this provision is to validate acts dealing, for example, with criminal tribes and restricting their residence. It was not intended to make it easier for the Governor-General to yield to clamour in the matter of racial trade discriminations.

Clause 124, however, makes an exception to the general rule in the case of bounties, etc., for the encouragement of trade or industry. These will not be regarded as coming within the scope of the prohibition if:

- (1) restricted to persons or companies resident or incorporated in India, or
- (2) restricted, in the case of companies not trading in India before the Act was passed, to such as
  - (i) are incorporated in British India, and
  - (ii) agree to conditions as to
    - (a) composition of directorate,
    - (b) facilities for training Indians.

*Apprehensions regarding Finance*

Sir Samuel Hoare told the Round Table Conference last December that the British Government fully accepted the fact that there can be no effective transfer of responsibility unless there is an effective transfer of financial responsibility. That is fundamental. Ordinarily, therefore, under the scheme proposed, it will be for the Ministry alone to raise revenue, to allocate funds (except for the Reserved Departments), and to arrange the programme of borrowing. It is only to stave off a crisis that the "special responsibility" of the Governor-General comes into action. It may remain unexercised for years (Introduction, para. 30).

India is certainly not lacking in financial ability. There, as in other countries, those responsible for the management of finance have the inestimable advantage of an independent, almost an automatic, risk-indicator, in the money market, which should act as a safeguard against both commercial discrimination and financial recklessness.

The White Paper makes it clear that the new Governments are to start solvent (Introduction, para. 60). If conditions, financial, economic, or political, make it impossible to supply them at the outset with the necessary resources, a new situation will arise, and it may be necessary to reconsider the federal finance scheme.

Next, the new Federal Government is not to be brought into existence (Introduction, para. 32) until a Federal Reserve Bank, free from political influence, has been established by the Indian Legislature and is successfully operating. The Committee on Financial Safeguards at the last session of the Round Table Conference mentioned the following as the necessary conditions precedent to the successful establishment and operation of such a Bank:

- (1) The Indian Budgetary position must be assured;

- (2) The existing short-term debt should be substantially reduced;
- (3) There must be adequate reserves; and
- (4) India's normal export surplus should have been restored.

If it is found that the Reserve Bank cannot be started, here again a new situation will arise which will have to be considered in consultation with representatives of Indian opinion.

The Reserve Bank will be charged with the management of currency and exchange, and the question is sure to be asked what guarantee there is against ill-considered action in regard to the exchange ratio. The answer to that is that legislation regarding currency or exchange is beyond the competency of the Federal Assembly, unless the Governor-General gives sanction to its introduction (119).

Further, money required for the service of loans, whether as interest, Sinking Fund charges, or otherwise, will not be voted by the Legislatures, though the demands will be open to discussion (49, 98).

Thus the country is protected against any financially premature launching of the new Federal Constitution, currency and exchange cannot be touched by the new Legislature except with the Governor-General's sanction, and the service of loans is assured.

## CHAPTER V

### SOME CRITICISMS EXAMINED

#### *The Coloured-Box Electorate?*

THE total electorate in the provinces at present consists of about 3 per cent of the population, large numbers of them illiterate.

The total electorate now proposed will be thirty-six millions, or 14 per cent of the population, still larger numbers of them illiterate.

The percentage of votes polled at elections is increasing. It was 29 in 1920, 40 in 1923, 43 in 1926. In that year in two provinces it was over 60 per cent.

In the United Kingdom, at the last election, 75 per cent voted, but that was a time of unusual excitement.

The Indian figures show what will be to some a surprising amount of interest. After making all allowances, the Simon Commission say "it is clear that electoral contests do really attract the interest of the general body of voters". The coloured ballot-boxes are merely devices to make things easier for those who cannot read, and have already been used for this purpose both in India and in Ceylon.

Of course the electors do not understand all the issues in an election. At the last General Election in England, how many understood the economic and financial issues? I have no shame in confessing that I did not, and I suspect that the percentage of the electorate which was in the same position was somewhere between 99 and 100.

The position surely is that electors choose their representatives rather than their policy, that they vote for the man or the party to whom or to which they feel it safest to entrust for the time being their interests as

citizens. Democracy enables the people to direct policy by choosing their rulers, and when it is a question of choosing men rather than measures, a little elementary education is sometimes a handicap rather than a help. Broadcasting, which should be feasible before very long on a big scale, would probably be more valuable than the spread of primary education.

*Back to the Simon Proposals, minus the Transfer  
of Law and Order?*

The effect of this suggestion would be that dyarchy would be retained in the provinces, the departments dealing with Law and Order being administered presumably by an Executive Councillor while all the other departments which are now reserved (mainly land-revenue, irrigation, and finance) would be transferred to the control of Ministers responsible to the Legislature. I do not wish to repeat what I have already said about the transfer of Law and Order, but the fatal objection to going back to the Simon proposals at present is that they give no responsibility at the Centre, and the Princes say that they will not come into the Federation unless the Federal Government is given responsibility. The position is, therefore, that the Princes hold the key in their hands. The latest news from India shows that they are still hesitating whether to put it in the lock and turn it. They are masters of their own will in the matter, and they cannot be compelled to come into the Federation. If in the end they should decide to stand out, a new situation arises for which the present Bill does not provide. (Introduction, para. 13).

*Who is to be benefited?*

It is difficult for us who were born "free" to understand why people should prefer indifferent government by themselves to good government by outsiders. And yet they do, and in countries where we were not the



"outsiders" in question, we have always looked on the love of "freedom" as a not ignoble affection. Once national sentiment begins to develop, rule by outsiders is impossible without friction and unrest, which may speedily develop into revolution. Sooner or later, a point is reached at which, by common consent, the outsider should give way. We have for many years, directly and indirectly, taught Indians to believe that this doctrine was to be applied to them, and the meaning of the proposals of the National Government is simply this, that those in power in the United Kingdom and in India think that we have reached a point at which we are justified in taking another step towards the gratification of this love of "freedom". They do not, of course, promise that, as a result, the administration of India will be improved. The benefit they seek to confer stands on another plane. They hope, by giving fuller opportunities and greater powers to Indians, to remove causes of friction and conflict between the citizen and his government, and to satisfy the legitimate desire for "freedom" to the furthest limit of safety. The perfection of the machine is not the only object of government.

It is urged that few in India want the change, that the demand is the demand of only 10 per cent of the population. That may be true in a sense, but the implication that the remaining 90 per cent are against it has very little foundation. Almost every educated Indian in British India wants self-government, provided the interests of his own community are safeguarded. The whole Indian-owned press is for it. Almost the only political ideas which reach the unlettered masses reach them directly or indirectly from Nationalist sources. Literary education is spreading British ideas of freedom. The 10 per cent who admittedly support the demand number many millions. The rest may be silent, but they are not an opposition.

Again, it is not, I think, true that the reforms now proposed will mean throwing the agricultural millions to the

wolves. In the Punjab the agriculturists have already shown that they know how to use the power the Councils give them. Not long ago they succeeded in getting a Bill through the Legislative Council which reduced the standard of land-revenue assessment and gave a longer term of settlement. I feel practically certain that under the pre-Montagu system, when the power rested in our hands, that proposal would have had no chance of going through. The agriculturist is probably more vigorous and more intelligent in the Punjab than in other provinces, but I do not think there is now any likelihood of the members of an Indian Government conspiring to oppress the agriculturist. It would be far too dangerous. Education has done much, not perhaps education in the sense of what is learned at school, but a growing familiarity with ideas of rights and powers, with the effect of agitation and with the feeling that it is no longer necessary to sit down under wide-spread grievances. The rural agitation by the Congress has helped to produce these results, and it will recoil on their heads if they attempt a policy prejudicial to agricultural interests.

*Is not Ireland a Warning in regard to the Worthlessness of Safeguards?*

I do not think so. To make the case of Ireland parallel you have got to suppose:

- (1) A Governor-General in Ireland in control of the Army and Foreign relations, and vested with power in a crisis to override his Ministers and take over the functions of the administration;
- (2) The presence in Ireland of a considerable force of British troops;
- (3) The principal civil services recruited and controlled by the British Government;
- (4) An All-Ireland Federation of counties and States, the rulers of the latter being in special relations with the Crown through the Governor-General, and in cer-

tain matters not subordinate to the Federal Government at all.

A much closer, if not an exact, parallel to the new India is the India of the last twelve years. The safeguards provided in the Act of 1919 have worked effectively, and certainly cannot be described as having proved in practice mere "paper" safeguards. There is responsibility in the provinces even now. Certain departments are controlled by Ministers responsible to the Councils. This has not prevented the Governors from taking over charge of those departments temporarily in more than one of the provinces.

In the Central Legislature the Assembly has the power to vote demands for Grants under a large number of Budget heads. The power was given them by Parliament, contrary to the recommendations in the Montagu-Chelmsford report. In 1924 the Assembly rejected the Government's demands "as a constitutional protest", and went so far as to refuse permission to introduce the Finance Bill. The reserve powers of the Governor-General were brought into action and the necessary funds obtained. This is by no means the only occasion on which the drastic overriding powers of the Governor-General have been used with complete effectiveness.

Recent events in Australia, it may be added, confirm the value of safeguards.

### *Playing into the Hands of our Enemies the Congress?*

We have restored order in India, but we have not suppressed the Congress. It is still a power in India.

If the members stand for election to the new Councils it will in one way be a hopeful sign, as it will mean that they are going to make use of the Reforms instead of standing out sullenly as they have done before. In some provinces they may get a clear majority over other parties, and the Ministries in those provinces will be mainly Congress Ministries, though, as I have already

pointed out, there will be an admixture of minority representatives which will supply an element of moderation. If a Congress Ministry is formed, its members will, possibly for the first time, know what power and responsibility are. Their unity, of course, may not survive the strain, but in any case, if responsibility fails and power is abused, the province may get back for a time to the old bureaucracy and be none the worse for it. I see no reason to fear a temporary re-transfer of power. It has been effected smoothly enough in more than one province already, and though conditions in the future will be different in some respects from what they have been during the past twelve years, I cannot think there would be any insuperable difficulty in the way of the exercise of the Governor's emergency powers.

In the Federal Assembly there are to be 375 seats: 82 go to the Muslims and 125 to the States, whose representatives will be nominated by the Rulers. Congress is almost exclusively a Hindu organisation, and it will not therefore be easy for it, under the present scheme, to get and to hold a majority in the Assembly. If it does, we must trust to the natural correctives and, failing them, to the safeguards, as in the provinces.

Talking of Congress, I was assured not long ago that many people in England, and still more in America, are under the impression that Congress is somehow a part of the Indian Constitution, and that the struggle between the Government and the Congress is more or less comparable to the former struggles between Crown and Parliament in this country. The mistake is no doubt due to a confusion between the Indian and the American Congress. The Indian Congress has no place in the Constitution of India and is purely a party organisation.

*Will not the Scheme need a Super-man as Viceroy?*

Lord Zetland's letter to *The Times* of March 23 is a weighty contribution to the discussion of the White

Paper. He writes as one who, after much searching of heart, is now a convinced supporter of the view that "some change involving acceptance of the principle of responsibility is essential in the present constitution of the Government of India", but his first impressions of the White Paper proposals are: (1) that they must place on the Viceroy a burden almost too great for any one man to bear, and (2) that they will impose on him duties which it is undesirable that the representative of His Majesty should be called on to perform.

Every person who has been to any degree behind the scenes at the headquarters of the Government of India must have been amazed at the burden of work and duties which falls on the Viceroy, and it is something of which we as a nation have great reason to be proud that a succession of men should be forthcoming who are equal to the burden.

It may be doubted whether the statutory reservation of certain departments and of the administration of Baluchistan will, in actual practice, mean more "office work" for the Governor-General than at present falls to him in connexion with those subjects. In other departments there should be a considerable reduction, as they will be in charge of responsible Ministers. The added difficulties under the new scheme will be mainly in connexion with (1) endeavours to secure smooth working, and (2) the "special responsibilities". But after all, this power of negotiation, the power of handling men in difficult situations, is just one of the qualifications which the country has a right to expect in a Viceroy, and manifestly counts as high as any in the selection.

Lord Zetland further asks how the Governor-General will be able to keep himself informed of what is going on. This must be largely a matter of routine rules to be made by the Governor-General after consultation with his Ministers (16), and all Ministers who take office under the new scheme will presumably accept such rules, as necessary to enable the Governor-General to

discharge his responsibilities under the Act which invests them with theirs.

Finally, Lord Zetland views with misgiving the possibility of the King's representative coming into conflict with the Ministry and the Legislature which is inherent in the White Paper scheme. Many will share his feeling, but surely, if there is to be any overriding of the Central Legislature in a vast country like India, there is only one authority on whom the power can appropriately be conferred.

### *Has European Opinion in India changed?*

The statement, which has appeared, that a change has come over the views of non-official Europeans in India is, I believe, based on a suggestion which was put forward by the Bengal Branches of the European Association that, in view of the disregard for law and order in Bengal, the grant of autonomy *to that province alone* should be delayed. So far as I am aware, with this exception, non-official European opinion in India stands where it did. On March 21, a telegram was published in *The Times*, which stated that the Madras Branch of the European Association considered that the White Paper was a reasonable basis upon which a Constitution could be framed.

### *What of the Princes?*

On closer examination of the problem, the Princes have begun to see the difficulties. That is only natural. They have also seen the opportunities which the occasion offers for getting a settlement of certain matters which have been troubling them. They have asked for a definition of Paramountcy, which broadly means a definition—possibly a restriction—of the hitherto undefined powers of control and intervention exercised by the British Government independently of the treaties and

agreements. One view is that it would be a mistake from their own point of view to press for such a definition at such a time, and the Chamber has now confined itself to asking that "justiciable issues should be decided by judicial process". The next step will be to define "justiciable issues".

As the Princes have insisted on responsibility in the Federal Government, they will presumably have to consider whether the proposals in the White Paper give the responsibility they ask for. They have also to make up their minds what powers they are prepared to transfer, for without a formal transfer the Federal Government would have no jurisdiction beyond the borders of British India. On the other hand, the British Government has to decide whether the powers the States are prepared to transfer are sufficient to justify admission to the Federation.

Then there are disputes among the Princes themselves as to the method in which the seats in the Federal Legislature reserved for the States are to be distributed, and there are vital matters of finance. The States must be satisfied that they are not being asked to contribute too much, British India must be satisfied that they are not being allowed to pay too little, and decisions have to be arrived at on several of the points raised by the Davidson Report, which involve complicated matters of customs rights, contributions, immunities, and cross-payments. A separate instrument of Accession will be required for each State, and they will be by no means uniform in their provisions. The British Government has declared that it will not be satisfied with the accession of less than half the States.

Thus, even under the most favourable conditions, there are many questions to be settled before federation can be reached, but the decision rests on the free judgment of the Princes. If, for the present, they decide to stand out, the British Government will be faced with a new situation, involving further consultation with Indian opinion (Introduction, para. 13). As things

stand, federation is a condition of responsibility in the Central Government. The Indian demand will be for responsibility, federation or no federation.

The latest news from Delhi shows that the opposition to the scheme has at last come to a head in the Chamber itself. The out-going Chancellor, the Maharajah Jam Sahib of Nawanagar, on March 25, declared that in his opinion the scheme was dangerous to the States and to the British connexion, and he regarded it as unfortunate that political advance in India should have been made to turn on the States' acceptance of the federation scheme. The Chamber passed a resolution declaring that the entry of the Princes into the Federation depends on the inclusion of essential safeguards, but that they are prepared to continue negotiations in London with the object of securing those safeguards, and of helping to frame a scheme which might meet with general acceptance.

At the close of the session, the Chamber elected as its Chancellor and Pro-Chancellor the Maharajah of Patiala and the Maharaj-Rana of Dholpur, both of them opponents of the present scheme.

Although the immediate prospects of federation are less bright than they were, several of the most important States are understood to be still in favour of it, and many others will probably be content to follow them. If it should be found that things are not yet ripe, the questions at issue will become less complicated. The main issue then will be whether we should revert to the proposals contained in the Simon report, but the decision will not have been made easier by the fact that for the last two and a half years, the expectations of Indian politicians have been encouraged to dwell on the prospect of "responsibility at the Centre".

*How can you expect India to accept it?*

Political India will not accept it as it stands, but the reception of the scheme has been on the whole



temperate as far as can be judged. There has been nothing like the outburst which greeted the Simon report, and the Moderate leaders are apparently quite ready to appear before the Joint Committee and endeavour to obtain further concessions. There will no doubt be gratification at the announcement that the Governor-General's Instrument of Instructions will recognise the fact that the defence of India must, to an increasing extent, be the concern of the Indian people. (Introduction, para. 23).

The stringency of the safeguards is looked on as intended to conciliate Conservative critics, and it has been pointed out that Ministers will not have the control of more than 20 per cent of the total expenditure. The feature which has come in for the most severe criticism apparently is the proposal that the Indian Civil Service and the Indian Police should continue to be recruited by the Secretary of State. Sir Tej Bahadur Sapru is reported to have described this as "the ugliest, most reactionary and most indefensible feature of the whole Constitution". The same point is criticised by another Moderate leader, Sir C. Setalvad, and also by the Madras Council. A tendency to concentrate on such a point is perhaps a hopeful sign. Possibly the provision for an enquiry after five years into recruitment for these services (189) has been overlooked.

Other points criticised are:

(1) the absence of provision for an "Army Member" of the Cabinet, drawn from the Central Legislature.

(2) The power of the Governor-General and the Governors, in the interests of the "special responsibilities" or Reserved Departments, to obtain legislation in the form of Governor-General's and Governors' Acts, if the Legislatures refuse to pass the Bills presented to them as their own (42, 92).

(3) the Ordinance-making power, which, it is suggested, should be dependent on the advice of Ministers and subject to revision by the Legislature.

- (4) the power of the Governor-General and the Governors to obtain supply, and
- (5) the Statutory Railway Board.

As regards (1) there is nothing to prevent the Governor-General appointing a member of the Legislature to be his Counsellor in the Army Department. The necessity for (2), (3), and (4) seems to have been generally accepted at the Round Table Conference, while (5) should mean little more than giving the present Railway Board a place in the Constitution Act.

It is perhaps too early to make a forecast, but it does look at present as though the Liberals are prepared to do their best to work the Act in the form in which it will ultimately be passed.

What is to be expected from the Congress? Will they come in and use the powers the Act will give them? Possibly not at first, but I should be rather surprised if they stay out for long.

### *Democracy discredited ?*

An argument often heard is that democracy is quite discredited, if not actually on its death-bed, in Europe, and that it would be the height of folly to give India a democratic system of government at such a time. I do not quite know how far it is intended that this argument should be pressed. Is it seriously proposed that India, which we have taught to believe in democracy as the highest form of government known to humanity, which has been guided by us along the path that leads towards it, which has been discussing with England for the last four years the nature of the next big step that is to be taken in that direction, should suddenly be told that we are sorry we have made a mistake but we find that the best thing we can do is to mark time until we have, perhaps twenty-five or fifty years hence, made up our minds what really is the best type of government, and whether a semi-military dictatorship

is not the best of all possible forms? The idea is dangerous and impracticable. When I say that it is dangerous, I am not thinking primarily of the reactions in India. What I fear is the ultimate and, I believe, inevitable reaction in England, which might carry us far beyond what the present Government thinks it safe to give.

*The Death-Knell of the Empire?*

If Empire means domination, then every Colony which has become a Dominion has passed out of the Empire. In the long run, Empire, in the sense of the association between Great Britain and India or between Great Britain and the Dominions, must rest on something other than force or constraint. If we recognise this, as we have done elsewhere, we are insuring against separation, and that should be the ultimate aim of every Conservative in the country. If, in the case of India, we do not recognise it, we are, I verily believe, increasing the chances that our grandsons will rise up and curse us for its loss.





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